

***Remarks***

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-17, 19, and 20 are pending in the application, with claims 1, 8, and 16 being the independent claims. Claims 1, 8, and 16 are sought to be amended. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

***Rejections under 35 U.S.C. § 102***

Claims 1, 3-8, 11-14, 16, 17, 19, and 20 were rejected under 35 U.S.C. §102(e) as being allegedly anticipated by Smith, et al, U.S. Patent No. 6,813,651 (Smith). Applicants respectfully traverse this rejection.

Smith does not teach or suggest each and every feature of amended independent claims 1, 8 and 16. Smith describes an "interface device [that] allows communication between a 1394 device and an Ethernet via an 802.3 PHY." (Smith, Abstract). In Smith, "[t]o indicate the speed of the link data, a preamble byte is first transmitted." (Smith, col. 7, lines 22-40). As described in Smith, the preamble describes the speed of the 1394b packet (i.e., S100, S200, S400, or S800). Smith does not teach or suggest using the preamble to identify the class of data being transmitted over 802.3. Therefore, the interface device in Smith does not create technology independent data packets.

Additionally, "[d]ata padding is used to make up for the difference in speeds between the 1394 link and 802.3 PHY." (Smith, col. 7, lines 40-43). In Smith, for S800 mode, four bytes of data are transmitted followed by a one byte pad byte during

a 5-byte interval. (Smith, col. 7, lines 44-56). For S400 mode, during the 5-byte interval, two bytes of data are sent, then the two bytes of data are resent. The final byte transmitted in S400 mode is an "XOR function of the first and second bytes received from the link." (Smith, col. 7, line 57 - col. 8, line 2). Finally, in S200 and S100 mode, the interface device extends the 4-bit and 2-bit portion into eight bits by duplicating the 4 bits once for S200 mode and duplicating the 2-bit portion four times for S100 mode. (Smith, col. 8, lines 4-16).

Thus, Smith does not teach or suggest a method including at least "appending to each byte in said first data stream a data type identification (DTID), wherein the DTID identifies a class of data associated with the byte, thereby creating a technology independent data stream having a first bit rate," as recited in amended independent claim 1. Smith also does not teach or suggest a communications reconciliation sub-layer including "a transmit data type identification (DTID) circuit coupled to an output of a first transmission medium for appending a DTID to each byte in an original data stream, wherein the DTID identifies a class of data associated with the byte, thereby generating a technology independent data stream at first bit rate that represents the original data stream from said first transmission medium," as recited in amended independent claim 8. Finally, Smith does not teach or suggest a communications sub-layer including "means for appending a data type identification to each byte in said first data stream, wherein the data type identification identifies a class of data associated with the byte, thereby creating a technology independent data stream from said first data stream, said technology independent data stream having a first bit rate," as recited in amended independent claim 16.

For at least these reasons, independent claims 1, 8, and 16 are patentable over Smith. Claims 3-7 depend from claim 1; claims 11-14 depend from claim 8, and

claims 17, 19, and 20 depend from claim 16. For at least these reasons, and further in view of their own features, dependent claims 3-7, 11-14, 17, 19, and 20 are patentable over Smith. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

***Rejections under 35 U.S.C. § 103***

Claims 2 and 10 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith in view of Cheung, U.S. Patent Publication No. 2004/0039866 (Cheung). Claims 9 and 15 were rejected under 35 U.S.C. §103(a) as being allegedly unpatentable over Smith. Applicants respectfully traverse this rejection.

Claim 2 depends from claim 1 and claim 10 depends from claim 8. Cheung does not overcome all the deficiencies of Smith relative to amended independent claims 1 and 8 described above. For at least those reasons, and further in view of their own features, dependent claims 2 and 10 are patentable over the combination of Smith and Cheung. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

Claims 9 and 15 were rejected under 35 U.S.C. §103(a) as being unpatentable over Smith. Applicants respectfully traverse this rejection.

Claim 9 depends from claim 1 and claim 15 depends from claim 8. As discussed above, Smith does not teach or suggest each and every feature of amended independent claims 1 and 8. For at least these reasons, and further in view of their own features, dependent claims 9 and 15 are patentable over Smith. Reconsideration and withdrawal of the rejection are therefore respectfully requested.

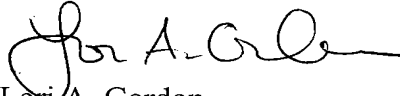
***Conclusion***

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully requested.

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.



Lori A. Gordon  
Attorney for Applicants  
Registration No. 50,633

Date: April 7, 2008  
1100 New York Avenue, N.W.  
Washington, D.C. 20005-3934  
(202) 371-2600